THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.3227 of 1999

Dated: 05.12.2007

Between:

Shaik Aziz Pasha. .. Petitioner.

And

The District Educational Officer,
Warangal-1
and others. .. Respondents.

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THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.3227 of 1999

ORDER:

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This writ petition is filed seeking a Mandamus to declare that the petitioner is entitled to have his appointment approved in the post of S.G.T in accordance with G.O.Ms.No.301, Education, dated 25.09.1997, read with judgment of this Court in writ petition No.15921 of 1989 and batch reported in 1997(6) ALD 331 (DB) with all consequential benefits by holding the action of the respondents in not furnishing the particulars of the petitioner to the State Level Committee as arbitrary and illegal.

2. The grievance of the petitioner is that he was appointed as a Secondary Grade Teacher (hereinafter referred to as "S.G.T" for the purpose of convenience) under the control of 4th respondent with effect from 16.12.1993, and ever since he has been working as S.G.T. in grant-in-aid clear vacancy. However, his appointment was not approved by the department even after completion of several years of service as S.G.T. It is his case that he too is entitled for the same relief as was granted by this Court in the Judgment, dated 31.12.1996, delivered in WP.No.15921 of 1989 and batch, wherein the Government was directed to constitute a committee and the respondent institutions therein were directed to submit proposals to the committee for the purpose of regularization of the services of the petitioners therein. Instead of following the same method in the case of the petitioner, neither the proposals were sent by the school nor it was approved by the District Education Officer, and therefore, the action of

the respondents in not regularising his appointment in the post of S.G.T. is arbitrary and illegal.

3. A detailed counter affidavit has been filed by the respondents denying the allegations made by the petitioner. It is asserted that firstly the school management has not sent any proposals for regularisation of the services of the petitioner for being placed before the committee constituted as per the judgment of this Court in WP.No.15921 of 1989 and batch. Secondly, the petitioner is not entitled for regularization of his services as per the aforementioned judgment of this Court or the G.Os issued by the Government from time to time in view of the fact that he was not working in the aided vacancy. The contention of the petitioner that he has been appointed against an aided vacancy is false and incorrect.

4. In view of the averments made in the counter affidavit that the petitioner was never appointed against an aided vacancy, the question of regularizing his services in the cadre of S.G.T. in the aided vacancy, particularly, in the absence of any proposals being sent by the management for referring his case to the committee constituted as per the directions of this Court, does not arise. Therefore, the writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, writ petition is dismissed. No order as to costs.

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(C.V.RAMULU,J)

Dt.05.12.2007

v v